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NOTE VERBALE DATED 7 FEBRUARY 1992 FROM THE PERMANENT MISSION OF CHILE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Chile to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to Security Council resolutions 713 (1991) and 724 (1991), imposing a general and complete embargo on deliveries of weapons and military equipment to the Republic of Yugoslavia and establishing the obligations of Member States in that respect.

In this connection, the Permanent Mission wishes to supplement its note No. 177/91 of 30 December 1991, which transcribed Supreme Decree No. 1289, published in the Official Journal on 21 December 1991, by providing information on the further measures taken by the Government of Chile for the full implementation of the obligations provided for in paragraph 6 of resolution 713 (1991).

In this respect, the Ministry of National Defence has taken all relevant measures to prevent any export or diversion of exports of weapons to the Republic of Yugoslavia. Among these measures, an Advisory Committee to the Ministry of National Defence has been established under Supreme Decree No. 80 of the Ministry of National Defence. This Advisory Committee comprises the Under-Secretaries for Foreign Affairs, War, the Navy and the Air Force, the Deputy Chief of General Staff of National Defence and the Director of National Mobilization.

The purpose of this Advisory Committee is to ensure that, in each request for the export of weapons and military equipment, the international commitments of the Republic of Chile are fully discharged.

Prior to that, the Ministry of National Defence had arranged for an export shipment of military equipment to the Socialist Democratic Republic of Sri Lanka on the express condition that it would be shipped to the Army General Staff of that country. Nevertheless, the cargo was diverted to an unauthorized destination and discovered in the airport at Budapest, Hungary.

Given the illegal change in destination of this export shipment, the Ministry of National Defence cancelled the authorization that had been issued and immediately notified the courts.

Likewise, orders have been given for the conduct of all the investigations provided for by law with a view to determining responsibility for and imposing penalties on those found guilty of the crimes under investigation. Moreover, the Government of Chile has requested and obtained the cooperation of the Government of the Republic of Hungary in preventing re-export of the consignment discovered at Budapest and its assistance in the investigations that have been initiated.

The Government of Chile has made use of all the channels and authorities provided for under the legislation in force. These actions have led to the holding of an administrative inquiry and to the bringing of a case before the ordinary courts and another case before the military courts. The State Defence Council has been actively involved in all the foregoing activities.

Likewise, the Minister of National Defence requested the Supreme Court to designate an Examining Minister for the case. This is the highest authority provide for under Chilean legislation for the conduct of a judicial investigation.

It should be pointed out that, as an initial result of the investigation by the Minister designated, seven persons involved have been arrested in Chile.

The Government of Chile, intent on discharging its international obligations fully, will continue employing all its powers to ensure that the facts are fully ascertained, and will impose on those responsible the maximum penalty provided for by law for the offences in question. A full investigation of the facts is under way, and once it is concluded the Secretariat will be informed of the results.